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Re: DA 25-219 - GN Docket No. 25-133
DA 25-290 - RM-12003 WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON CTIA PETITION FOR RULEMAKING

19-126: ET Docket No. 03-137

ET Docket No. 13-84

ET Docket No.19-226

April 11, 2025

Dear Sir or Madam,

Biologically-based population-protective radiofrequency (RF) and extremely low frequency electromagnetic fields (ELF) safety standards MUST be adopted immediately to prevent further irreparable harm whether they will impede the use of wireless technology or not. The BioInitiative Group, composed of qualified biological, medical, and public health experts, has proposed biologically-based population-protective RF/ELF safety standards based on the scientific literature. The FCC must adopt them instead of limits proposed by technical experts from industry-interest groups with a vested interest in preserving an unsafe technology.

Regulatory negligence has already caused irreparable harm. More regulation to protect health is needed, not less. FCC NEPA rules must be tightened, not loosened since the federal government is preempting state regulatory authority, all actions with respect to tower and antenna installations constitute major federal actions and necessitate full NEPA compliance. Even antenna installations that do not require towers to be built have a substantial detrimental impact on the safety of the environment where they are installed, resulting in hazardous radiation and detrimental health outcomes.

If the FCC does not adopt biologically-based population-protective RF/ELF safety standards, it is in violation of the condition upon which its power to preempt state and local RF regulatory and zoning authority rests in section 704 of the 1996 Telecommunications Act. There MUST be standards in place that guarantee safety in order for the FCC to comply with section 704 which instructs the FCC “to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.” Additional instructions provided by Congress make it clear that they had been assured that wireless technology could be provided safely and that they did not intend to unleash the hazard on the public that science now shows wireless technology is (see attached references). The following is quoted from the attached Amicus Curiae Brief:

> “Report No. 104-204, p. 94-95 (H.R. Report) [6] which said it was “in the national interest that uniform, consistent requirements, with adequate safeguards of the public health and safety, be established as soon as possible” and “Commission rulemaking on this issue (ET Docket 93-62) should contain adequate, appropriate and necessary levels of protection to the public, and needs to be completed expeditiously” and The National Environmental Policy Act of 1969[7] (NEPA) requires

> the FCC to enact RF/MW safety standards that protect public health and the environment. It is clear from the aforementioned quotes that Congress had been assured that civilian wireless service could be provided while safeguarding public health and the environment. It is equally clear from the evidence in the docket that there is now no doubt that RF/MW radiation has negative biological effects at levels far below current FCC guidelines and both the environment and a growing percentage of Americans are being asked to make serious sacrifices in health and quality of life, so that wireless technology companies can reap huge profits. The quotes from H.R. Report demonstrate that Congress never intended that to happen." Kleiber Amicus Curiae Brief

RF exposure limits that do not protect against biological effects cannot be "effective" and cannot be "adequate safeguards of the public health and safety". If the FCC does not adopt a true biologically-based population-protective RF safety standard, FCC preemption of state and local zoning authority is not legal or constitutional since the FCC will not be in compliance with the conditions set by section 704 as the basis for providing the FCC with the preemption power. Furthermore, such regulatory negligence violates the equal protection clause of the U.S. Constitution since it discriminates against the most vulnerable amongst us.

Furthermore, in seeking to set a ceiling, not a floor, section 704 of the 1996 Telecommunications Act is in violation of the U.S. Constitution, including the 9th, 10th, and 14th Amendments, since it unconstitutionally attempts to preempt what is fundamentally a local regulatory issue – siting of antennas and regulation of local antenna emissions. The Constitution allows for federal floor-style regulation of local pollution since it has a compelling interest in preserving public health nationwide so individuals are not discriminated against in their ability to be healthy merely by living in one location versus another. However, the Constitution does not allow the federal government to reach into states and prevent them from promulgating regulations to further protect the health of their residents if the evidence shows that federal regulations are not adequate to protect their health fully. This violates the separation of powers. This is in keeping with other federal health regulations where states can enact stricter regulations than the federal government – lead in water is one example.

Our family has found that all sources of RF exposure cause serious detrimental health effects. The FCC must adopt biologically-based population-protective RF safety standards for each of these exposure sources comparable to or more protective than current limits proposed by the BioInitiative Group. Failure to do so frees state and local authorities from the limits imposed by section 704 of the 1996 Telecommunications Act, even without it being found unconstitutional.

Since there are mechanistic, temporal, and epidemiological evidence connecting RF exposure to numerous worsening public health problems, it is clear that absence of biologically-based population-protective RF safety standards is contributing to a public health crisis of unprecedented proportion. Adverse impacts of this regulatory negligence include increasing levels of oxidative stress and oxidative stress-related health conditions (including hemolysis, methemoglobinemia, and nutrient deficiency), endocrine disruption, impaired enzyme function leading to vitamin D deficiency, inappropriate voltage-gated ion channel activation, increasing rates of diabetes, obesity, inflammatory and autoimmune diseases, neurological disease (including Alzheimer's, Parkinsons, ALS), cancer, cardiac arrhythmia, hypertension, heart disease, headaches, seizures, chronic pain, depression, anxiety, and irritability, autism, addiction, immunodeficiency, premature aging, osteoporosis, poor sleep, premature puberty, and infertility. All of these adverse impacts cause harm, much of which lead to irreparable harm – permanently altered health, damaged relationships, trauma, and even death. The impacts are snowballing and the price continues to get steeper as the regulatory negligence continues.

In order to mitigate this harm, the FCC must immediately adopt the BioInitiative Group's recommended RF/ELF safety limits. Then, the FCC must request that the FDA and the EPA fulfill their statutory obligations to promulgate biologically-based population protective RF/ELF safety standards to protect human health and the environment within their jurisdictions. The FDA is way past due for promulgating electronic device-related RF safety standards for the FCC to adopt (including for equipment operating at base stations and causing toxic RF and "dirty" electricity exposures – see attached references) and the EPA is way past due for promulgating general point and non-point environmental safety standards to protect human and environmental health from toxic ambient exposures. These regulations should use the BioInitiative Group's recommendations as a floor and address situations and new evidence of harm not addressed by the BioInitiative Group. Continued absence of FDA and EPA biologically-based population-protective RF safety standards is a sign of the on-going regulatory negligence by FCC, FDA, and EPA.

Please see the attached Amicus Curiae Brief and Appendix for further legal arguments and evidence necessitating the FCC to immediately adopt biologically-based population-protective RF/ELF safety standards. The attached press releases and other scientific references also support the need for immediate adoption of biologically-based population-protective RF/ELF safety standards like those recommended by the BioInitiative Group.

Sincerely,

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